



STATE OF WASHINGTON
APPLICATION FOR CHANGE/TRANSFER
OF WATER RIGHT

RECEIVED

DEC 28 2010

DEPARTMENT OF ECOLOGY - CENTRAL REGIONAL OFFICE

For filing with the Department of Ecology or with County Conservancy Boards

A NON-REFUNDABLE MINIMUM FEE OF \$50.00 PAYABLE TO THE DEPARTMENT OF ECOLOGY MUST ACCOMPANY THIS APPLICATION

(Check all that apply.)

- ☐ Change purpose(s) of use
☐ Add purpose(s) of use
☒ Change point(s) of diversion/withdrawal
☐ Add point(s) of diversion/withdrawal
☐ Change/transfer place of use
☐ Other (i.e. consolidation, intertie, trust water)

Explain: _____

FOR OFFICE USE ONLY	
CHANGE No. <u>CS4-01213 CTCL</u>	WRIA <u>38</u>
DATE ACCEPTED <u>02/11/11</u>	BY <u>WAG</u>
FEE \$ <u>250</u>	REC'D <u>12/28/10</u>
CHECK No. <u>853825</u>	<u>3 of 5</u>
ECY Coding: 001-002-WR10285-000011	
SEPA: <input type="checkbox"/> Exempt <input type="checkbox"/> Not exempt	

Yakima
RECEIVED
01-21-2011

****IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS (PLEASE PRINT OR TYPE CLEARLY)****

1. Applicant Information:

APPLICANT/BUSINESS NAME Broadgauge Ditch Company	PHONE NO. (509) 453-5604	FAX NO. ()
ADDRESS 117 N. 3rd St. Suite 200		
CITY Yakima	STATE WA	ZIP CODE 98901
CONTACT NAME (IF DIFFERENT FROM ABOVE) Dave Brown	PHONE NO. (509) 575-6204	FAX NO. (509) 575-6187
ADDRESS 2301 Fruitvale Blvd		
CITY Yakima	STATE WA	ZIP CODE 98902

2. Water Right Information:

WATER RIGHT OR CLAIM NUMBER 1213	RECORDED NAME(S) Broadgauge Ditch Company
DO YOU OWN THE RIGHT TO BE CHANGED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
IF NO, PROVIDE OWNER(S) NAME and ADDRESS:	
HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

Please attach copies of any documentation that demonstrates consistent, historical use of water since the right was established. Also, if you have a water system plan or conservation plan, please include a copy with your application.

CS4-01213 CTCL

<u>MC COURT CLAIM 01213 06-30-1885</u>			
FOR OFFICE USE ONLY			
APP. NO. _____	PERMIT NO. _____	CERT. NO. _____	CERT. OF CHANGE NO. _____

3. Point(s) of Diversion/Withdrawal:

A. Existing

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Naches River		NE	SE	9	13N	18E	181309-41009	N/A

B. Proposed

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Naches River		SE	N W	9	13N	18E	181309-24002	N/A

271366

DO YOU OWN THE EXISTING AND PROPOSED POINT(S) OF DIVERSION/WITHDRAWAL?
EXISTING: ☐ YES ☒ NO PROPOSED: ☐ YES ☒ NO – IF NO, PROVIDE OWNER(S) NAME: City of Yakima

Please include copies of all water well reports involved with this proposal. Also, if you know the distances from the nearest section corner to the above point(s) of diversion/withdrawal, please include that information in Item No. 6 (remarks) or as an attachment.

4. Purpose of Use:

A. Existing

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Irrigation of residential, Commercial and agricultural lands	5.18 cfs Apr 1 - Aug 31; 3.96 cfs Sept; 2.53 cfs Oct.	1,764	April 1 - October 31

B. Proposed

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Irrigation of residential, Commercial and agricultural lands	5.18 cfs Apr 1 - Aug 31; 3.96 cfs Sept; 2.53 cfs Oct.	1,764	April 1 - October 15

5. Place of Use:

A. Existing

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:							
Place of use is described in BRD 17 (attached) and identified on on COY 15J-1 (attached)							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
							91.2
DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO – IF NO, PROVIDE OWNER(S) NAME: City of Yakima							

B. Proposed

LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED:							
Place of use is described in BRD 17 (attached) and identified on on COY 15J-1 (attached)							

(Water Right Holder)

(Date)

1/4	1/4	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
							91.2
DO YOU OWN ALL THE LANDS IN THE PROPOSED PLACE OF USE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO – IF NO, PROVIDE OWNER(S) NAME: City of Yakima							

Attach a detailed map of your proposed change/transfer. The map should show existing and proposed point(s) of diversion/withdrawal, place of use and any other features involved with this application. If platted property, please include a certified copy of the plat map.

Are there any ADDITIONAL WATER rights OR CLAIMS RELATED to the same property as the ONE PROPOSED FOR CHANGE/TRANSFER?	
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO – IF YES, PROVIDE THE WATER RIGHT/CLAIM NUMBER(S):	120529, 064441, 938-D, S4-01141, 120528, 190, 4116, 5318, 4646

6. Remarks and Other Relevant Information:

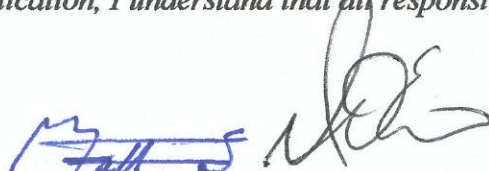
Current Point of Diversion is 2,500 feet north and 100 feet west from the southeast corner of section 9, beginning within NE1/4SE1/4 of section 9, T. 13N, R. 18 EWM
Proposed Point of Diversion 1,790 feet south and 1,600 feet east from the northeast corner of section 9 being within the SE1/4NW1/4 of section 9, T 13N, R 18EWM.
Priority Date is June 30, 1885
CFO Issued April 10, 2003 and attached
There are five (5) of these change applications are being filed with Ecology concurrently; the upstream diversion moves and the consolidation of the Fruitvale Canal and the Old Union diversions into one consolidated point of diversion (POD) are proposed to provide both improved operational efficiency for the City of Yakima who runs/operates the Fruitvale Canal for Old Union who operates the Old Union ditch diversion AND to benefit fish and habitat in the Cowiche Creek and the Naches River; since these 5 POD changes will "substantially enhance the quality of the natural environment", expedited processing for all 5 change applications under the Hillis Rule, WAC 173-152-050(3)(a) is requested; it is proposed to permanently donate to the state Trust Water Rights Program the no longer needed portion of the Old Union Irrigation Company water right (~11 cfs of the confirmed water right that's no longer needed) and the no longer needed portions of any of the other four (4) water rights that may be determined during investigations to be no longer needed, for instream flow augmentation use or other appropriate uses within the trust, to further demonstrate that the 5 water right change applications all qualify for expedited processing under WAC 173-152-05-(3)(a).
IF FOR SEASONAL OR TEMPORARY, START DATE ____/____/____ END DATE ____/____/____

Certain applications may incur a Real Estate Excise Tax liability for the seller of the water rights. The Department of Revenue has requested notification of potential taxable water right related actions and therefore may be provided with a copy of this request.


Please contact the State Department of Revenue for further information. The phone number is (360) 570-3265. The address is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia, WA 98504-7477.

7. Signatures:

I certify that the information above is true and accurate to the best of my knowledge. I understand that in order to process my application, I am hereby granting staff from the Department of Ecology or the County Conservancy Board access to the above site(s) for inspection and monitoring purposes. If assisted in the preparation of the above application, I understand that all responsibility for the accuracy of the information rests with me.


(Applicant)

12/22/10
(Date)


(Water Right Holder)

12/19/10
(Date)